

BEST AVAILABLE COPY**REMARKS**

Claims 1-4, 53, 55, and 75-91 are pending in this application.

Claims 1-4, 53, 55, and 75-91 are rejected.

35 USC §103 Rejections

Claims 1-4, 53, 55 and 75-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,858,457 to Brinker et al. ("Brinker"), in view of US Patent No. 5,504,042 to Cho et al. ("Cho").

Claim 1 has been amended to include one of the two limitations of claim 4 with regard to disordered porosity. Previously, the disordered porosity was set out as being demonstrated by either an x-ray diffraction peak between 0.75 and 2 degrees 2-theta, or an absence of an x-ray diffraction peak in the range 2-6 degrees 2-theta. It is not believed that the graph of Figure 8 of Brinker starts at 1 on the x-axis, but in order to further the progress of this application, Applicants have amended claim 1 to require that the disordered porosity be demonstrated by 'an absence of an x-ray diffraction peak in the range 2-6 degrees 2-theta.' This is not shown nor suggested by Brinker. Figure 8 clearly shows a peak between 2-3 degrees 2-theta. Therefore, there is not an absence of a peak between 2-6 degrees 2-theta.

Cho does not address porosity or measurements of porosity. Therefore, the combination of references does not teach the invention as claimed in amended claim 1. It is therefore submitted that claim 1 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 2-3 depend from claim 1 and inherently contain the limitations of this claim as well as the further limitations of pore diameters less than or equal to about 10 nm, or a film having a thickness with a standard deviation less than +/- 5% in conjunction with a dehydroxylated thin film having disordered porosity as set out in claim 1. It is therefore

submitted that claims 2-3 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 4 has been canceled by this amendment.

Claim 53, as amended, contains the same limitation with regard to disordered porosity as amended claim 1. It is therefore submitted that claim 1 is patentably distinguishable over the prior art for the reasons as applied to claim 1 and allowance of this claim is requested.

With regard to claim 55, the office action states that the stability 'appears to be anticipated by a dehydroxylated silica film.' There is no limitation that the film be dehydroxylated in claim 55. Therefore, even if 'hydroxyl and alkoxy groups are removed during dehydroxylation,' because this film is not required to be dehydroxylated, the carbon number of alkoxy group of the intermediary precursors in *not* absent in the invention as claimed. It is therefore submitted that claim 55 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 75 has been amended to include the limitation of disordered porosity as amended claim 1. It is therefore submitted that claim 75 is patentably distinguishable over the prior art for the reasons as applied to claim 1 and allowance of this claim is requested.

It must be noted that the office action addresses claims 75-90 as a group and states that 'the recited method limitations have not been shown on the record...' It must be noted that claim 75 is not a method claim, but is directed to 'A surfactant-templated mesoporous dielectric film...' It is believed that the office action was intended to address claims 76-90 as a group.

With regard to claims 76-90, the process claims do affect the structure of the chemistry of the resultant product over the prior art. It must be noted that the structure of claim 75 is not shown by the prior art, and therefore the method recitations of claims 76-78 do affect the structure to result in the film as claimed in claim 75. Claims 79-91 have been canceled. It is therefore submitted that claims 76-78 are patentably distinguishable over the prior art and allowance of these claims is requested.

CONCLUSION

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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Signature


Judy Wigmore

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